

DHRM BULLETIN

Effective Date: November 17, 1999 **Reference:** Section 67-19-6(1)(c)

SUBJECT: Guidelines for Department Policy on Domestic Violence

On June 4th, 1999, Governor Leavitt signed an Executive Order requiring all departments of State Government to establish a policy prohibiting domestic violence in every workplace in which state employees and employees of public and higher education are required to conduct business. The order specifies seven elements that must be a part of each department's policy and directs the Department of Human Resource Management to provide guidelines.

Attached to this bulletin is a model policy which departments may use in developing a policy. It has been reviewed and approved by the Domestic Violence Cabinet Council as fulfilling all requirements of the Governor's executive order.

Departments shall have a policy in place by the last day of March, 2000.

CRW:des

attachments: State of Utah Model Domestic Violence Policy Guidelines

STATE OF UTAH

MODEL DOMESTIC VIOLENCE POLICY GUIDELINES

I PURPOSE

Domestic violence is a universal societal problem with consequences reaching far beyond the realm of the family. Domestic violence is not a private family matter; it has devastating effects on the victims, their children, communities and the workplace, whether or not it rises to the level of criminal conduct. All persons have a basic right to feel safe from harm at all times, especially in their homes, schools, communities and during the conduct of business in the workplace.

Domestic violence imposes significant costs on the criminal justice system and courts, the health care system, the mental health care system and the child welfare system. It also imposes significant costs to the workplace including poor work performance, lost workplace productivity, and an increase in the cost of health benefits.

It is the intent of the stat and this department to minimize the devastating effects of domestic violence for our employees and the associated costs to the workplace.

II DEFINITIONS - For purposes of this document, the following terms will be defined as follows:

- A. Domestic Violence: A pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse, perpetrated by one person against a cohabitant, with the goal of establishing and maintaining power and control over the victim.
- B. Abuser: An adult who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against a cohabitant, with the goal of establishing and maintaining power and control over the victim.
- C. Victim: The cohabitant against whom an abuser directs his coercive and violent acts. Because women represent the vast majority of victims, this policy will refer, to abusers as male and to victims as female. Most of the information in this policy, however, will apply to all victims and abusers regardless of their gender or the gender of their partners.
- D. Cohabitant: An emancipated person pursuant to §15-2-1 Utah Code Ann. or a person who is 16 years of age or older who:
 - a) is or was a spouse of the other party;
 - b) is or was living as if a spouse of the other party;
 - c) is related by blood or marriage to the other party;
 - d) has one or more children in common with the other party; or
 - e) resides or has resided in the same residence as the other party.

This does not include the relationship of a minor child to his/her parents (natural, adoptive or step) or the relationship of minor siblings to each

other.

- E. Domestic Violence Service Provider: Agency or a staff member of an agency that primarily or exclusively provides comprehensive services to victims of domestic violence, including residential programs, and/or provides non-residential services to victims of domestic violence.
- F. Victim Advocates: Individuals who provide advocacy and information to the broader group of crime victims, including victims of domestic violence. These persons are often based in, or linked with, the District or County Attorney's Offices, law enforcement agencies, or shelters.
- G. Domestic Violence Perpetrator Treatment Provider: A treatment provider licensed for Domestic Violence Outpatient Perpetrator Treatment by the Department of Human Services, whose program is designed to eliminate violence in intimate relationships, to stop other forms of abusive behavior and to increase victim safety. Standards require at least one hour per week for a minimum of sixteen weeks.

III POLICY

It is the policy of the State and this department to have *zero* tolerance for domestic violence. The State and this department will use early intervention and awareness strategies as a first line of defense in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. The State and this department will offer assistance to victims. The State and this department will offer assistance to and discipline perpetrators of such acts in accordance with departmental policy and Department of Human Resource Management (DHRM) rules.

This department will not tolerate domestic violence that includes harassment of any employee or client while in state offices, facilities, work sites, vehicles, or while conducting state business. This includes the display of any violent, aggressive or threatening behavior (physical or verbal) that results in physical injury or emotional distress, or otherwise places a person's safety or productivity at risk.

Any employee who threatens, stalks, harasses or abuses someone at the workplace or from the workplace using any state resources such as state time, workplace phones, FAX machines, mail, e-mail, or other means will be subjected to disciplinary action pursuant to DHRM Rule R477-10-2 and R477-11.

- A. Procedures regarding assistance for victims:
 - 1. An employee who is or may be the victim of domestic violence or of a stalker and who needs assistance shall be encouraged to contact his or her supervisor, human resource office, or Employee Assistance Program (EAP) representative (if available) so that appropriate measures may be taken regarding safety, security, referral for assistance and, if necessary, to a shelter. If the victim desires, management shall facilitate this linkage with the EAP representative. Additionally, management should actively utilize EAP representatives as resources for themselves as well as the employee.

2. Any employee who is a victim of domestic violence or stalking shall be treated with confidentiality. This department will establish confidential channels for employees to report threats of domestic violence, stalking or domestic violence concerns.
3. Workplace safety procedures shall be developed, or evaluated and modified if necessary, to ensure that they reflect the particular security risks that arise in domestic situations, and to include a response plan to ensure that all employees have clear instructions about what to do if an abuser gains access to the work site.
4. When an employee needs to be absent from work as a result of being a victim of domestic violence, such as for medical care, counseling, criminal and/or civil court proceedings, legal consultation, or relocation, management shall grant the employee maximum flexibility to arrange the work schedule in order to prevent lost wages in accordance with DHRM rules and procedures. Management shall be aware of procedures to make changes in payroll processing and benefits in a timely manner.
5. Management shall display in locations of high visibility, the current hotline or information referral number for domestic violence victim and perpetrator service resources, 1-800-897-LINK (5465).
6. Management shall cooperate fully in the enforcement of all court orders of protection (particularly orders in which abusers have been ordered to stay away from the work site).

B. Procedures regarding assistance for perpetrators:

1. Employees who are perpetrators of domestic violence are encouraged to seek assistance and contact their supervisor, human resource officer or EAP officer.
4. The department will make every effort to grant leave time, with or without pay, or adjust the employee's work schedule for the purpose of allowing an employee to arrange for attending an approved outpatient perpetrator treatment program.
5. It is the responsibility of the employee, not the department, to incur all costs associated with participation in an outpatient perpetrator treatment program. Any exceptions will be according to established agency policies, procedures and the law.

C. System Responsibility:

1. Training on domestic violence and its impact on the workplace shall be required for all manager, supervisors, employee assistance professionals (whether on-site or an outside vendor), human resources

personnel, and security staff. Training should provide a general overview of domestic violence to include information on the ways in which this impacts on the workplace, including the potential impact on worker productivity. Emphasis should be placed on prevention and appropriate responses to violence in the workplace, including resources and referral information. Training should be thorough and ongoing. Workplace violence training that addresses domestic violence may also satisfy this requirement. The State Domestic Violence Coordinator shall be contacted to provide assistance and expertise in this area.

2. Employers should coordinate with local law enforcement to establish response plans as part of workplace security. Employers should coordinate with Employee Assistance Program practitioners, if available, to facilitate referrals for victims in the workplace to the EAP which can be helpful in linking victims with local community domestic violence programs. Information regarding available services to victims and abusers through existing health plans should also be made available.